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**To:** [McKenna, Jim](#); [Eric Blischke/R10/USEPA/US@EPA](#)  
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**Subject:** Re: LWG thoughts regarding 3rd party assistance with bioassay data.  
**Date:** 08/19/2008 09:36 AM

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Eric, have you had any success finding a 3rd party to assist McDonald on this issue? This is an important issue for the LWG, so if you haven't had time to contact these folks the LWG will conduct some outreach to inquire about their availability. Thanks, Jim.

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**From:** McKenna, Jim  
**To:** 'Blischke.Eric@epamail.epa.gov'  
**Cc:** [johnt@windwardenv.com](#) ; Bob Wyatt ; Rick Applegate ; 'Jennifer Woronets' ; Valerie Oster ; Keith Pine ; [Humphrey.Chip@epamail.epa.gov](#)  
**Sent:** Wed Aug 13 16:06:42 2008  
**Subject:** LWG thoughts regarding 3rd party assistance with bioassay data.

Eric:

Per our conversation earlier today, the LWG believes the important question for any 3<sup>rd</sup> party looking at the bioassay data is what is appropriate for the BERA and FS, not how to interpret bioassay data. As such, we should seek someone(s) with a lot of experience supervising, reviewing and/or working on BERAs for contaminated sediment Superfund sites. Our opinion is that Dave Charters, Todd Bridges, and Mark Springer fit that description.

You indicated today that you have already instructed Don McDonald to start working on this issue, and passed-on some questions to him that you would like him to address. You also indicated you would forward a copy of those questions to the LWG (thank you). We also understand that you think Don can give advice in a couple of weeks. You also indicated that Don may be able to provide further insight into the hyalella growth issue (i.e., our disagreement regarding interpretation of the 10% threshold).

The LWG feels we should have Bridges, Charters or Springer join Don in this effort because it improves the odds of a comprehensive assessment (i.e., incorporates the key BERA and FS elements). We recognize there is a potential downside in that it will probably take Bridges, Charters or Springer more than a couple of weeks to complete the analysis. However, if we frame the questions right we might be able to get quick answers.

With the high probability of the current path reaching an impasse, we feel the additional time to enlist 3<sup>rd</sup> parties to help us resolve the benthic interpretation issue, while unfortunate, is tolerable. To keep delays to a minimum we suggest focusing the experts on a short list of well defined options. The options should be:

- Follow EPA's 7/24/08 "final proposal."

- Follow the 7/11/08 agreement with two modifications:
  - Present the bioassay data identifying all stations that are statistically different from controls, but will only classify stations as “hits” that also exceed a pre-defined difference from the control.
  - Don’t use the “minor,” “moderate” and “severe” effect classifications because they’re not backed up by an objective analysis of the relationship between the designated effect levels and benthic community risk. Under similar circumstances EPA has rejected this sort of language as subjective when it's come from the LWG.
- Follow RSET guidance (using the biomass endpoint for growth per EPA’s request).
- Establish benthic community risk-based hit thresholds, use those risk-based thresholds as long as model reliability criteria are met, and adjust those thresholds if and only if and as necessary to meet model reliability criteria.

The agency team and LWG should have the opportunity to “file a brief” with the experts. The briefs should identify which of the four options are acceptable and which are unacceptable to each respective side. They should give the reasons why each “unacceptable” option was rejected. They should identify the side’s preferred option, and explain why that is the preferred option. The experts should be asked to pick one of the four options.

The idea is that the experts will report their findings back to EPA. EPA will then inform LWG of its decision (either as a proposal or as a directive). The LWG will then respond to EPA decision in accordance with the provisions and rights of our AOC. Please let me know your thoughts about getting an additional expert involved to assist McDonald, and our proposal to limit the assessment as detailed above.

Thanks,

Jim McKenna

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